

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

IN RE: TWO GUNS CONSULTING	§	CASE NO. 20-20077
& CONSTRUCTION, LLC,	§	
Debtor.	§	CHAPTER 11

**APPLICATION OF DEBTOR FOR APPROVAL OF RETENTION OF JORDAN,  
HOLZER & ORTIZ, P.C. AS BANKRUPTCY COUNSEL FOR DEBTOR**

**This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.**

**Represented parties should act through their attorney.**

Two Guns Consulting & Construction, LLC, the Debtor and Debtor-in-Possession in the above entitled and numbered cause (“Debtor”), files this Application for Approval of Retention of Jordan, Holzer & Ortiz, P.C. (“JHO” or the “Firm”) as its Bankruptcy Counsel for the Debtor and respectfully represents:

1. On February 11, 2020, the Debtor filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq.
2. The Debtor has selected the Firm as its counsel for the reason that the Firm’s attorneys have had substantial experience in bankruptcy matters and are well qualified to represent the Debtor in this Chapter 11 case. Debtor requested, and understands, that Mr. Nathaniel Peter Holzer will be the attorney primarily responsible for this bankruptcy case.

3. The Firm has agreed to represent the Debtor at hourly rates for its attorneys and paralegals on the basis of other factors normally considered in determining fees and on other terms as set forth in Firm's engagement letter with the Debtor, which is attached to the Affidavit of Nathaniel Peter Holzer, attached as Exhibit "A". Firm has indicated that the rates to be charged are the normal rates charged by the Firm for the classes of persons named in matters such as this and are subject to periodic adjustment to reflect economic, experience and other factors. The Debtor believes these agreed rates of compensation are reasonable, as follows:

<u>Attorneys</u>	<u>Rate as of Engagement letter date</u>
Shelby A. Jordan	\$550.00
Nathaniel Peter Holzer	\$375.00
Antonio Ortiz	\$300.00
<u>Legal Assistants</u>	
Shaun D. Jones	\$180.00
Chrystal R. Madden	\$180.00
Melba Ramirez	\$150.00

4. Debtor and JHO first met on or about October 1, 2019, concerning Debtor's and its owner's financial situation, however JHO was not retained at that time. JHO met with the Debtor's representative again on January 30, 2020, and was retained on that day.

5. Debtor paid JHO a fee advance of \$45,000.00 on January 30, 2020, by check, which was deposited that same day into JHO's IOLTA account.

6. JHO issued a single pre petition invoice to the Debtor dated February 11, 2020, which was paid that same day, in full, from the advanced funds, prior to the filing of this bankruptcy case in the ordinary course of business, a total of \$13,551.30. JHO is not a pre petition creditor of the Debtor.<sup>1</sup>

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<sup>1</sup> The filing fee for the chapter 11 case was paid by JHO but inadvertently omitted from the pre petition invoice, and so JHO was not reimbursed for the filing fee from the fee advance prior to filing the case as is JHO's usual practice. JHO will include the filing fee on a subsequent invoice, with payment subject to court approval.

7. To the best of the Debtor's knowledge and belief, the Firm holds or represents no interest adverse to the Debtor and has no connection of any kind or nature with the creditors or other parties to this case, or their respective attorneys, which is adverse to the interests of the Debtor.

8. Based on the attached affidavit of Nathaniel Peter Holzer, the Firm does not represent any interest adverse to the Debtor, or to the Estate of the Debtor, known to them, and except as stated in the attached affidavit Nathaniel Peter Holzer, has no connections of any kind or nature with the creditors or other parties to this case, the office of the U.S. Trustee, or their respective attorneys, which is adverse to the interests of the Debtor. The Firm is disinterested within the meaning of the Bankruptcy Code.

9. The professional services to be rendered by the Firm shall include all services necessary for "conducting the case" as that phrase is used in 11 U.S.C. § 327(e), including, but not limited to the following:

- take all necessary action to initiate this Chapter 11 and assure compliance with the UST Guidelines, with this Court's local rules and with the Bankruptcy Code provisions applicable to an individual Chapter 11 filing;
- take all necessary action to protect and preserve the Debtor's estate, including the prosecution of actions on the Debtor's behalf, the defense of any actions commenced against the Debtor, the negotiation of disputes in which the Debtor is involved, and the analysis and preparation of objections to claims filed against the Debtor's estate;
- prepare on behalf of the Debtor, as debtor in possession, all necessary motions, applications, disclosures, answers, orders, reports, and other papers in connection with the administration of the Debtor's estate and amend same from time to time as needed;

- take all necessary actions, including drafting and negotiations in connection with a chapter 11 plan and related disclosure statement(s) and all related documents, and such further actions as may be required in connection with the administration of the Debtor's estate to a successful reorganization;
- challenge the extent, validity, or priority of claims against the estate and liens claimed on property of the estate;
- analyze or prosecute any chapter 5 cause of action, if any; and
- perform all other necessary legal services in connection with the prosecution of this chapter 11 case.

For the foregoing reasons, the Debtor requests this Court approve its retention and employment of the law firm of Jordan, Holzer & Ortiz, P.C. as counsel for the Debtor, and for such other and further relief, as may be just and equitable.

Respectfully submitted,

/s/ Charles Luke Duncan

Charles Luke Duncan, President

#### **CERTIFICATE OF SERVICE**

I certify that on February 20, 2020, a true and correct copy of the foregoing was served electronically to all parties registered with the Court's electronic noticing system and to all creditors shown on the attached list via U.S. First class mail.

/s/ Nathaniel Peter Holzer

Nathaniel Peter Holzer

**ECF Service List**

United States Trustee 606 N. Carancahua, Ste. 1107 Corpus Christi, TX 78401 USTPRegion07.CC.ECF@USDOJ.GOV	<u>Counsel for San Patricio County</u> Diane Sanders Linebarger, Goggan, Blair & Sampson P.O. Box 17428 Austin, TX 78760 austin.bankruptcy@publicans.com	<u>Counsel for Ligonier Construction Company, Inc.</u> Patrick H. Autry Branscomb PC 8023 Vantage Drive, Suite 560 San Antonio, TX 78230 pautry@branscomblaw.com bsmith@branscomblaw.com

Served via U.S. first class mail, postage prepaid:

Internal Revenue Service  
Centralized Insolvency Solutions  
P.O. Box 7346  
Philadelphia, PA. 19101-7346

Texas Workforce Commission  
Bankruptcy Unit, Room 556  
101 E. 15<sup>th</sup> Street  
Austin, TX. 78778-0001

Alex E. Paris Equip & Sales Co.  
1595 Smith Township State Rd.  
Atlasburg, PA 15004

Atlas Trenchless, LLC  
1351 Broadway Street West  
Rockville, MN 56369

Badger Daylight Corp.  
75 Remittance Dr., Suite 3185  
Chicago, IL 60675-3185

Belmont Aggregates, Inc.  
PO Box 349  
Bridgeport, CT 43912

Chase Card Services  
PO Box 94014  
Palatine, IL 60094-4014

Darby Equipment Company  
2940 N. Toledo Avenue  
Tulsa, OK 74115

DBI, Inc.  
15440 W. 109<sup>th</sup> St.  
Lenexa, KS 66219

Horizon Supply Company  
311 White Street  
New Castle, PA 16101

Leslie Equipment Company  
Attn: Tammy  
105 Tennis Center Drive  
Marietta, GA 45750

Ligonier Construction Co.  
PO Box 277  
Laughlintown, PA 15655

Longhorn Mulching Co.  
7003 E. State Highway 103  
Lufkin, TX 75901

Luby Equipment  
2300 Cassens Drive  
Fenton, MO 63026

Magnum Machine Works, LLC  
7480 NW Caldwell Road  
Kidder, MO 64649

McKinney Drilling Company  
2434 Etring Avenue  
Corpus Christi, TX 78415

Miley Fencing  
54500 Sarahsville Road  
Senecaville, OH 43780

Moorhead Brothers, Inc.  
PO Box 124  
Blacksburg, SC 29702

Ohio CAT  
Box 774439  
4439 Solutions Center  
Chicago, IL 60677-4004

Southeastern Equipment Co., Inc.  
PO Box 536  
Cambridge, OH 43725

United Rentals (North America), Inc.  
PO Box 840514  
Dallas, TX 75284-0514

YAK MAT, LLC  
PO Box 95434  
Grapevine, TX 76099-9734

Jim Clancy  
JD Egbert  
Branscomb Law  
802 N. Carancahua, Ste. 1900  
Corpus Christi, TX 78401

Prosperity Bank  
Attn: Bill Hailey  
14201 Northwest Blvd.  
Corpus Christi, TX 78410

Komatsu Financial  
PO Box 99303  
Chicago, IL 94583